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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,449	01/13/2004	Vladimir Vasekin	550-500	1088

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EXAMINER
GEIB, BENJAMIN P

ART UNIT	PAPER NUMBER
2181	

MAIL DATE	DELIVERY MODE
02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	10/755,449	VASEKIN, VLADIMIR
	Examiner	**Art Unit**	
	Benjamin P. Geib	2181	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>22 January 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☒ The period for reply expires <u>3</u> months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

     Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ They raise the issue of new matter (see NOTE below);

   (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

     NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
   <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
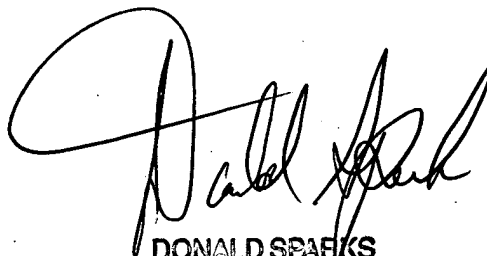
13. ☐ Other: _____.

Continuation of 3. NOTE:
On page 10 of the remarks, the applicant states that claims 9, 19, and 29 have been amended by replacing the phrase "said address of said execute block instruction" with the phrase "an address indicative of a memory location of said execute block instruction". However, claims 9, 19, and 29 have not been amended as stated but instead amended by replacing the phrase "said address" with "an address". Since the examiner interpreted claims 9, 19, and 29 as the stated in the remarks by the applicant and not how the above-mentioned claims were amended, the amendment does not reduce or simplify the issues for appeal..

Continuation of 11. does NOT place the application in condition for allowance because:
The applicant argues that "Fraser teaches away from the subject matter of claim 1 where the address indicative of a memory location of the execute block instruction is stored in the program counter register when executing the block of two of more instructions." [2nd paragraph on page 11 of remarks] The examiner notes that the applicant appears to be reading the limitation "wherein when executing said block of two or more program instructions, said program counter register is configured to store an address indicative of a memory location of said execute block instruction" too narrowly. In particular, the applicant appears to read the limitation as indicating that the program counter register stores the address in memory at which the execute block instruction itself is stored. However, the current claim language merely requires that the program counter register stores "an address indicative of a memory location of said execute block instruction" [emphasis added]. In the system of Fraser, when executing the echo instruction, the program counter register stores an instruction address within the set of instructions [Fraser; column 12, lines 14-37]. This instruction address is "an address indicative of a memory location of said execute block instruction" since the instruction address points to, or indicates, a memory location of an instruction that is executed as part the echo instruction. As such, Fraser has taught the claimed limitation "wherein when executing said block of two or more program instructions, said program counter register is configured to store an address indicative of a memory location of said execute block instruction".

The applicant further argues that "although the skilled person might have been aware based on the Hennessy text that the program counter is saved and restored in the event of an exception, it would not have been obvious to that person to store a block count value-in addition to a program counter value-and to restart execution of the block of program instructions corresponding to the instruction within the block that was being executed when the exception occurred." [1st paragraph on page 12 of remarks] As noted by the examiner in the response to arguments section of the office action mailed 09/29/2006, it is the entire concept of exception handling and stopping/restarting execution by saving the execution state that is being applied to the system of Fraser. The applicant indicates that one of ordinary skill in the art would have considered modifying the system of Fraser to save only the program counter value and not also the count of remaining instructions in the set of instructions [i.e. block count value]. However, in order to properly resume execution of the program both the program counter value and count of remaining instructions in the set of instructions [block count value] would need to be stored. If the count of remaining instructions in the set of instruction were not also saved/restored the processor could end up indeterminate state. For example, the exception handler might execute an echo instruction thereby modifying the count of remaining instructions in the set of instructions such that when normal execution resumes the count of remaining instructions in the set of instructions has an incorrect value. Therefore, one of ordinary skill in the art would have modified the system of Fraser to save both the program counter value and the count of remaining instructions in the set of instruction [i.e. block count value] since doing so would allow the processor to properly resume execution of the program after an exception..

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